

SECOND REGULAR SESSION

HOUSE BILL NO. 1748

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WARD.

Read 1st time April 20, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2442L.011

AN ACT

To amend chapter 211, RSMo, by adding thereto one new section relating to evaluation of juveniles taken into state custody.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 211, RSMo, is amended by adding thereto one new section, to be
2 known as section 211.057, to read as follows:

**211.057. 1. When a child is taken into custody by the state which would place the
2 child under the jurisdiction of the juvenile court pursuant to subdivision (2), (3), or (5) of
3 subsection 1 of section 211.031, the following actions shall be taken:**

**4 (1) Pursuant to subsection 2 of this section, the child's case shall be submitted to the
5 review committee to determine whether the child should receive a psychological evaluation
6 by a licensed clinical mental health professional employed by or contracting with the state
7 to provide such mental health services;**

**8 (2) Upon completion of any psychological evaluation conducted pursuant to this
9 section and if such evaluation determines in the clinical judgment of a licensed clinical
10 mental health professional that the child suffers from a mental health condition that
11 creates a substantial risk that such child is a danger to himself or herself or to other
12 persons, the child shall receive treatment services for such mental health condition until
13 the licensed clinical mental health professional determines that the child is no longer a
14 danger to himself or herself or to other persons; provided that in all cases under this
15 subdivision, the child shall remain under state supervision until the child's eighteenth
16 birthday. Such supervision may include, but shall not be limited to, any of the following:**

**17 (a) Requiring the child to be treated in a residential program or receive therapy
18 under the direction of a licensed clinical mental health professional while the child is in the**

19 custody of the state and/or after such child is released from the custody of the state;

20 (b) Placing the child on probation or parole, or other similar court-ordered
21 oversight measures, after the child leaves the custody of the state for the purpose of
22 monitoring and verifying the continuation of such child's mental health treatment until the
23 licensed clinical mental health professional determines that the child is no longer at risk.
24 Such oversight measures shall include, but shall not be limited to, a juvenile sexual
25 offender list available to law enforcement personnel and licensed clinical mental health
26 professionals only; or

27 (c) Delaying the child's release from state custody solely based on the mental health
28 of the child until such time as the licensed clinical mental health professional determines
29 that the child can receive the necessary mental health treatment services without remaining
30 in the custody of the state and that sufficient oversight provisions are in place to ensure the
31 continuation of any treatment services the licensed clinical mental health professional
32 deems necessary.

33 2. There is hereby established the "Juvenile Mental Health Review Committee"
34 within the juvenile court system to review all cases of juveniles taken into custody by the
35 state and under the jurisdiction of the juvenile court pursuant to subdivision (2), (3), or (5)
36 of subsection 1 of section 211.031 to determine whether such child should be
37 psychologically evaluated by a licensed clinical mental health professional. The review
38 committee shall consist of five members, all of which shall be clinical mental health
39 professionals licensed in this state with expertise and training in the diagnosis and
40 treatment of juveniles. Such qualifications shall include expertise and training in child
41 victimization and treatment of juvenile sexual offenders. At least one member of the
42 review committee shall be a licensed clinical mental health professional who works in the
43 sexual predator unit. The members of the review committee shall be appointed by the
44 governor with the advice and consent of the senate. Members of the committee shall serve
45 four-year terms; except that, of the initial members appointed to the review committee, two
46 shall be appointed to a two-year term and three shall be appointed to a four-year term.

47 3. The purpose of the juvenile mental health review committee shall be to screen
48 children placed in the custody of the state at the earliest possible time to identify those
49 children who are at severe risk and require greater supervision and mental health
50 treatment services. All cases of children placed in the custody of the state under
51 subdivision (2), (3), or (5) of subsection 1 of section 211.031 shall be reviewed by the
52 committee at the earliest feasible time after the child is taken into state custody, but in no
53 event shall a child be released from state custody until the committee has reviewed the
54 child's case and made a determination as to the need for psychological evaluation of such

55 **child.**

56 **4. The case of any child referred by the committee for psychological evaluation**
57 **shall remain open until the child reaches the age of eighteen. Any court or state agency**
58 **responsible for receiving or responding to reports related to such children shall accept**
59 **reports and respond appropriately in all cases remaining open under this section.**

60 **5. For purposes of this section, all licensed clinical mental health professionals must**
61 **be specialists in child and adolescent behaviors and must have at least a master's degree**
62 **in relevant mental health field from an accredited university.**